

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED STATES OF AMERICA
V.
JOSE HERNANDEZ

CASE NO.2:09-CR-3 TJW-CE

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
FINDING DEFENDANT GUILTY**

On this day, the Court considered the Findings of Fact and Recommendation of United States Magistrate Judge Charles Everingham IV regarding Defendant's plea of guilty to Count 1 of an indictment with a violation of 21 U.S.C. § 841(a)(1), Possession with Intent to Distribute Cocaine. Having conducted a proceeding in the form and manner prescribed by Fed. R. Crim. P. 11, the Magistrate Judge recommends that the Court accept the guilty plea of the Defendant. Objections to the Findings of Fact and Recommendation have been waived by all parties. The Court is of the opinion that the Findings of Fact and Recommendation should be accepted.

It is accordingly ORDERED that the Findings of Fact and Recommendation of the United States Magistrate Judge, filed October 1, 2009, are hereby ADOPTED.

It is further ORDERED that, pursuant to Defendant's plea agreement, the Court finds Defendant GUILTY of Count 1 of the indictment in the above-numbered cause.

SIGNED this 5th day of January, 2010.


T. JOHN WARD
UNITED STATES DISTRICT JUDGE